

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No.: 1:13 CR 49 - 01
)	
Plaintiff)	
)	
v.)	JUDGE SOLOMON OLIVER, JR.
)	
JAMES GIBSON,)	ORDER ACCEPTING PLEA
)	AGREEMENT, JUDGMENT AND
Defendant)	REFERRAL TO U. S. PROBATION
)	<u>OFFICE</u>

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Greg White, regarding the change of plea hearing of James Gibson, which was referred to the Magistrate Judge with the consent of the parties.

On September 11, 2013, the government filed a four-count Superseding Indictment, charging Defendant James Gibson, with Conspiracy in violation of Title 18 United States Code, Section 1029(b)(2); Use of Unauthorized Access Device, in violation of Title 18 United States Code, Section 1029(a)(2); Possession of 15 or More Counterfeit or Unauthorized Access Devices in violation of Title 18 United States Code, Section 1029(a)(3) and Section 2; and Possessing Device-Making Equipment in violation of Title 18 United States Code. Section 1029 (a)(4) and Section 2. Defendant Gibson was arraigned on September 24, 2013, and entered a plea of not guilty to Counts 1 - 4 of the Superseding Indictment, before Magistrate Judge Greg White. On December 12, 2013, Magistrate Judge Greg White, received Defendant Gibson's plea of guilty to Count 1 - 4 of the

Superseding Indictment, and issued a Report and Recommendation (“R&R”), concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge’s R&R in the fourteen days after it was issued.

On de novo review of the record, the Magistrate Judge’s R&R is adopted. Defendant Gibson is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Gibson is adjudged guilty of Counts 1 - 4 of the Superseding Indictment, in violation of Title 18 United States Code, Section 1029(b)(2), Conspiracy; Title 18 United States Code, Section 1029(a)(2) Use of Unauthorized Access Device; Title 18 United States Code, Section 1029(a)(3) and Section 2, Possession of 15 or More Counterfeit or Unauthorized Access Devices; and Title 18 United States Code, Section 1029(a)(4) and Section 2, Possessing Device-Making Equipment. This matter was referred to the U. S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on March 12, 2014, at 10:00 a.m., in Courtroom 19-A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.

CHIEF JUDGE

UNITED STATES DISTRICT COURT

February 20, 2014